1948.

File No. Drugs II/48.

Legal Department

B **BRANCH**

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Subject:-

Rules and Notifications under the Drugs Act, 1940

P 6 E

File No. Drugs II/4

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C O N T E N T S.

Legal Department File No. Drugs II/48.

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Health and Local Government Department,

Bombay Castle, September 1948.

NOTIFICATION.

No. 4121/33 :- In exercise of the powers conferred b sub-section (3) of section 1 of the Drugs Act, 1940 (XXII of 1940).the Government of Bombay is pleased to appoint the 1st October 1948 as the date from which sub-clause (I of clause (a) of section 18 of the said Act shall take ef in the Province of Bombay.

By order of the Governor of Bombay,

Deputy Secretary to Government.

K.M.P.
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4.C.

Health and Local Government Department,

Bombay Castle, September 1940.

Drugs Act, 1940.

No. - In exercise of the powers conferred by section 18 of the Drugs Act, 1940 (XXIII of 1940), the Government of Bombay is pleased to fix the 1st October 1948 as the date for the purposes of sub-clause (iii) of clause (a) of the said section 18.

By order of the Governor of Bombay,

Deputy Secretary to Government.

K.N.P.
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Health and Local Government Department,
Bombay Castle, September 1948.

No. - In pursuance of sub-rule (3) of rule of the Bombay Drugs Rules, 1946, and in partial modification of the Government Notification in the General Department No.4121/33(3), dated the 26th March 1947, the Government of Bombay is pleased to appoint the 1st October 1948 as the date on which sub-rules (1) and (3) of rule 103 of the Bombay Drugs Rules, 1946, shall come into force.

By order of the Governor of Bombay,

Deputy Secretary to Government.

K.N.P.
21/5
4.C.

Legal Department.

The draft notification at page 21 ante is not in order for the following reasons:-

1. Section 18 of the Drugs Act, 1940 (XXIII of 1940), empowers the Provincial Government to fix a date under a notification for the purpose of prohibiting any person from doing any of the things specified therein. Section 1(3) of the said Act, however, provides that Chapter IV (in which section 18 occurs) shall take effect in a particular Province only from such date as the Provincial Government may, by notification, appoint in this behalf. It appears from G.D. order No.4121/33(19 dated the 26th March 1947, that Chapter IV except sub-clause (iii) of clause (a) of section 18 has been brought into force in the Province of Bombay on the 1st April 1947. Now the proposal is to bring into force sub-clause (iii) of clause (a) of section 18 with effect from the 1st October 1948. It is therefore necessary first to issue a notification under sub-section (3) of section 1 of the Act bringing into effect the provisions of sub-clause (iii) of clause (a) of section 18 of the Act (vide R.L.A's opinion No.2905, dated 25-3-47) and then to issue a second notification under section 18(a)(iii) thus brought into effect, appointing a date thereunder for the purpose of clause (a)(iii) thereof. The two revised draft notifications are accordingly sent herewith

2. It is clear that the Central Government have extended the Drugs Rules, 1945 (ie. Central Rules) including Part V thereof to the Chief commissioners' Provinces of Delhi, Ajmere-Merwara and Coorg under sub-rule (2) of rule 1 thereof and have appointed, by their notification No.F.1-2/46D-III, dated 30-3-1948 (p.7) read with notification No. F.18-12/46D, dated 31-3-1947 (p.341 file below), the 1st October 1948 as the dated for bringing into force rule 103(1) and (3) in those areas only But as the Provincial Government has been empowered to make rules under section 33, the Provincial Government has

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to fix a date for bringing rule 103(1) and (3) into force (vide rule 1(3) of the Bombay Drugs Rules, 1946). The view taken at 'A' on p.15 a is not correct. The General Department Notification No.4121/33(3) of 26th March 1947 is not properly worded. It states that the Bombay Drugs Rules, 1946, shall come into force on 1st April 1947. In order not to leave any doubt it will be desirable to issue the fresh notification inm modification of G.D. notification No.4121/33(3), dated 26th March 1947 also. A requisite draft notification is sent herewith for the puppose.

Sd.-

J.R? THUNTHARA

O.O. Additional Secretary to Government.

U.R. to H.& L.G.D.,No. 6710 , dated the 14th September 1948.

K.N.P.
21/4
4.C.